



# Dispute Resolution Services

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Residential Tenancy Branch  
Office of Housing and Construction Standards

## **DECISION**

Disputes Codes: ET & FF

### **Introduction**

The Application for Dispute Resolution filed by the landlord seeks the following:

- a. An order for the early termination of the tenancy and an Order of Possession.
- b. An order to recover the cost of the filing fee.

The tenant(s) failed to appear at the scheduled start of the hearing which was 9:30 a.m. on July 12, 2019. The landlord was present and ready to proceed. I left the teleconference hearing connection open and did not start the hearing until 10 minutes after the schedule start time in order to enable the tenant to call in. The tenant(s) failed to appear. I confirmed that the correct call-in numbers and participant codes had been provided in the Notice of Hearing. I then proceeded with the hearing. The landlord was given a full opportunity to present affirmed testimony, to make submissions and to call witnesses.

On the basis of the solemnly affirmed evidence presented at the hearing a decision has been reached. All of the evidence was carefully considered.

I find that the Application for Dispute Resolution and Notice of Dispute Resolution Hearing was sufficiently served on the Tenants by mailing, by registered mail to where the tenants reside on June 29, 2019. With respect to each of the applicant's claims I find as follows:

### **Issues to be Decided**

The issues to be decided are as follows:

- a. Whether the landlord is entitled to an Order for the early termination of the tenancy and an Order for Possession?
- b. Whether the landlord is entitled to recover the cost of the filing fee?

### **Background and Evidence:**

The parties entered into a fixed term tenancy agreement that provided that the tenancy would start on May 1, 2019, end on April 30, 2020 and become month to month after that. The written tenancy agreement provided that the tenant(s) would pay rent of

\$1400 per month payable on the first day of each month. The tenants paid a security deposit of \$700 on April 28, 2019.

The landlord testified the tenants failed to pay the rent for July and she served a 10 day Notice to End Tenancy on the Tenants. The tenants vacated the rental unit on July 10, 2019.

The tenant testified that on 3 recent occasions tenants' reckless actions have seriously endangered the health safety and well-being of the landlord, her family and home. June 3: tenant fell deep asleep intoxicated with frying pan left on heated stove. Fire department attended the 911 call. June 14: tenant found intoxicated with smoking pipe on property. June 16: at condition inspection, smoke alarm was disconnected and tenant confirmed that the igniting torch thrown in the backyard found the day prior belonged to him.

Analysis:

Based on the evidence presented I determined the landlord is entitled to an order for the early termination of the tenancy as of July 12, 2019. The tenants have vacated the rental unit. As a result it is no longer necessary to grant an Order of Possession.

The landlord has been successful with this application. I ordered that the tenants pay to the landlord the sum of \$100 for the cost of the filing fee such sum may be deducted from the security deposit.

**This decision is final and binding on the parties.**

This decision is made on authority delegated to me by the Director of the Residential Tenancy Branch under section 9.1(1) of the Residential Tenancy Act.

Dated: July 12, 2019

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Residential Tenancy Branch